

Monte J. White & Associates, PC
Monte J. White
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§ CASE NO. 08-70450-HDH-13
	§
Donald Eugene Elkins, Jr.	§
and	§ JUDGE HARLIN D. HALE
Maryann Tolipas Elkins	§
	§ HEARING DATE: 9/22/2010
DEBTORS	§ HEARING TIME: 10:00 A.M.

NOTICE OF HEARING, PRE-HEARING CONFERENCE
AND ATTACHED MODIFICATION OF PLAN AFTER CONFIRMATION

NOTICE OF HEARING

On 9/22/2010, which is at least twenty-eight (28) days from the date of service hereof, at 10:00 o'clock A.M. a HEARING on the above and foregoing "Modification of Plan After Confirmation" will be held before the Bankruptcy Judge in Room 222, U.S. Courthouse, 10TH AND LAMAR Street, WICHITA FALLS, Texas. Creditors are not required to attend unless they have objections to the Modification.

NOTICE OF PRE-HEARING CONFERENCE

A PRE-HEARING CONFERENCE will be held by the Trustee at 8:30 o'clock A.M. prior to the above hearing time at the following location 10TH AND LAMAR STREET, WICHITA FALLS, TEXAS. Hearings on Motions to Modify Plans with objections not resolved at the PRE-HEARING CONFERENCE will be heard by the Court at the scheduled Hearing time.

NOTICE is hereby given that pursuant to 11 USC 1329 the attached "Modification of Plan" dated 08/03/2010, will be approved by the Court as the Debtor(s) Modified Chapter 13 Plan Unless a party in interest files a written "Objection to the Modification" within twenty-one (21) days of service hereof, and the Debtor has made any subsequent payments required under the Modified Plan. An "Objection to Modification" shall be made in writing to the following: U.S. Bankruptcy Court, Clerks Office, 1100 Commerce Street Room 12A24, Dallas, TX 75242, with copies sent to Walter O'Cheskey, Chapter 13 Trustee, 6308 Iola, Lubbock, TX, 79424 and Debtor(s) Attorney at the above address.

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

Donald Eugene Elkins, Jr.
and
Maryann Tolipas Elkins
DEBTOR(s)

§ CASE NO. 08-70450-HDH-13
§
§ HEARING DATE: 9/22/2010
§ HEARING TIME: 10:00 A.M.

SECOND MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION

DATE: 08/03/2010

Pursuant to 11 USC 1329, the Debtor(s) (per the undersigned attorney) or the Standing Chapter 13 Trustee, requests the following Modification of Debtor(s) Confirmed Plan herein:

I. HISTORY OF THE CASE

1. Date Case Filed: 10/30/2008
2. Date of Section 341 Meeting: 11/25/2008
3. First Payment Date: 11/29/2008
4. Date of Confirmation: 12/18/2008
5. Total Plan Term Prior to this Modification: 60
6. Number of Months from First Payment Date through month prior to estimated month of Modification Approval: 22
7. Remaining Plan Term (subtract item 6 from the lesser of item 5 or 60 months): 38
8. Amount of Arrears through the month prior to the date the Modification is filed: NONE
9. Date plan payments are to resume: 9/29/2010
10. Total Payments Paid to the Trustee through the month prior to the date the Modification is filed with the clerk: \$18,083.25
11. Total payments due to the Trustee through the month prior to the date the Modification is filed with the clerk: \$16,910.25
12. Total Payments Due to the Trustee from the month the Modification is filed to the month the Modification is set for approval: NONE (paid ahead)
13. List Dates of any Prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders:

TRCC 7/10/2009; First Modification 2/19/2010

II. MODIFICATION REQUESTED

(CHECK 1 OR MORE OF THE FOLLOWING 4 CHOICES)

- X INCREASE/DECREASE monthly payment from \$782.00 per month to \$1,024.00 per month (must coincide with resume date shown in item 9 above)
- Extend months from months to months (not to exceed 60 calendar months from month of First Payment Date)
- Add balloon payment of in month (indicate how the balloon payment will be made)

All modifications that include a balloon payment will require testimony.

Any arrears indicated in item 8 above shall be cured by the following method: N/A

III. RESUMPTION OF PAYMENTS TO THE TRUSTEE

(All information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$1,024.00 will resume on or before 9/29/2010 for 38 months (item 7 above) remaining in the Modified Plan as of the date the modification is approved.

Base amount will change from \$47,408.25 to \$56,604.25

If the base amount has changed complete the following:

- | | |
|--|--------------------|
| 1. Total Paid in as of the month prior to Modification Approval: | \$17,692.25 |
| 2. (+)Plus Total Payments to be made through the Remainder of Plan:
(Making up any arrears in item 9 above) | \$38,912.00 |
| 3. (=) New Base Amount | <u>\$56,604.25</u> |

IV. TREATMENT OF UNSECURED CREDITORS

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2007-2. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

 X The unsecured creditor pool remains \$0.

V. SECURED, PRIORITY OR SPECIAL CLASS TREATMENT

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

C/D;A=ADD;D = DELETE; S = SURRENDER; CF = CHANGE FROM; CT = CHANGE TO

A	S-Onewest Bank	Post-petition Mortgage Arrears	\$8,270.69	\$217.65 per month for 38 months
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VI. ATTORNEY FEES

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$350.00 plus \$50.00 in costs, of which \$400.00 will be paid through the Plan by the Trustee;

VII. REASON FOR MODIFICATION

This modification is requested for the following reason(s): Per Agreed Order entered with the Court on 8/2/2010.

VIII. BUDGET INFORMATION

At the time of filing this modification the debtor shall provide a filed marked copy of the current budget (schedules I & J) and the three most recent pay stubs to the Trustee.

N/A

Respectfully submitted,

/s/Monte J. White
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing Modification of Plan after Confirmation, Notice of Hearing and Pre-Hearing Conference has been served by me on 08/05/2010, on all parties on the attached matrix, by United States First Class Mail, proper postage affixed.

/s/Monte J. White
Attorney for Debtor(s)

Case 08-70450-hdh13 Doc 45 Filed 08/05/10 Entered 08/05/10 13:32:55 Desc Main Document Page 5 of 6		
Label Matrix for local noticing 0539-7 Case 08-70450-hdh13 Northern District of Texas Wichita Falls Tue Aug 3 10:47:22 CDT 2010 1100 Commerce Street Room 1254 Dallas, TX 75242-1305 Bank of America PO Box 1390 Norfolk, VA 23501-1390 Bank of America, N.A. P. O. Box 26012 NC4-105-03-14 Greensboro, NC 27420-6012 Capital One Bank Attn: CO TSYS Debt Management PO Box 5155 Norcross, GA 30091-5155 CitiMortgage, Inc. P O Box 6941 The Lakes, NV 88901-6006 Discover Bank/DFS Services LLC POB 3025 New Albany Ohio 43054-3025 IRS Special Procedures 1100 Commerce St., Room 951 Mail Stop 5029 DAL Dallas, TX 75242-1001 LVNV Funding LLC its successors and assigns assignee of Citibank Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587 NCO Financial-Sams Club PO Box 61247, Dept 64 Virginia Beach, VA 23466	Fidelity Bank, NA 2525 Kell Blvd. Suite 100 Wichita Falls, TX 76308-1043 BURKBURNETT INDEPENDENT SCHOOL DISTRICT C/O PERDUE BRANDON FIELDER COLLINS & MOT PO BOX 8188 WICHITA FALLS TX 76307-8188 Bank of America PO Box 15026 Wilmington, DE 19850-5026 CAPITAL ONE BANK (USA), N.A. C/O TSYS DEBT MANAGEMENT (TDM) PO BOX 5155 NORCROSS, GA 30091-5155 Citi Attn: Centralized Bankruptcy PO Box 20507 Kansas City, MO 64195-0507 City of WF, WFISD, Wichita County CO Perdue Brandon Fielder Collins & Mott P.O. Box 8188 Wichita Falls, Texas 76307-8188 Discover Financial Attention: Bankruptcy Department PO Box 3025 New Albany, OH 43054-3025 IndyMac Federal Bank, F.S.B. 6900 Beatrice Drive Kalamazoo, MI 49009-9559 Linebarger Goggan Blair & Sampson, LLP P.O. Box 17307 Austin, Texas 78760-7307 P & B Capital Group, LLC-BofA PO Box 25197 Tampa, FL 33622-5197	Recovery Management Systems Corporation 25 SE 2nd Ave. Ste. 1120 Miami, FL 33131-1605 Bank Of America PO Box 660687 Dallas, TX 75266-0687 Bank of America PO Box 22033 Greensboro, NC 27420-2033 Cach LLC-Fleet Bank Attention: Bankruptcy Department 4340 South Monaco St. 2nd Floor Denver, CO 80237-3408 Citi Mortgage Inc Attention: Bankruptcy Department PO Box 79022, MS322 St. Louis, MO 63179 Credit Collection Inc 2915 N Classen Blvd Oklahoma City, OK 73106-5400 Fidelity Bank 2525 Kell Blvd Ste 100 Wichita Falls, TX 76308-1043 Indymac Bank 7700 W Parmer Ln Bldg D 2nd Floor Austin, TX 78729-8101 Monte J. White & Associates 1106 Brook Ave Wichita Falls TX 76301-5009 PRA Receivables Management, LLC As Agent Of Portfolio Recovery Assocs. c/o Fleet Bank POB 41067 NORFOLK VA 23541-1067

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Roundup Funding, LLC
MS 550
PO Box 91121
Seattle, WA 98111-9221

Sams Club-GE Money Bank
Attention: Bankruptcy Department
PO Box 103104
Roswell, GA 30076-9104

Scott Lowery Law Office, PC-CACH
1422 E 71st Suite B
Tulsa, OK 74136-5060

South Verizon Wireless
PO Box 3397
Bloomington, IL 61702-3397

Union Square
Po Box 6050
Sheppard Afb, TX 76311-0050

Verizon
Customer Service Department
PO Box 105378
Atlanta, GA 30348-5378

WELLS FARGO FINANCIAL TEXAS, INC.
ATTN: MAC F6582-034
PO BOX 500
CHESTER, PA 19016-0500

WICHITA FALLS CITY, ISD & WICHITA COUNTY
C/O PERDUE BRANDON FIELDER COLLINS & MOT
PO BOX 8188
WICHITA FALLS TX 76307-8188

Wells Fargo Financial
2501 Seaport Dr Ste Bh30
Chester, PA 19013-2249

Donald Eugene Elkins Jr.
2308 Antigua
Wichita Falls, TX 76308-4952

Maryann Tolipas Elkins
2308 Antigua
Wichita Falls, TX 76308-4952

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UST U.S. Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-1011

Walter 12,13 Ocheskey
6308 Iola Avenue
Lubbock, TX 79424-2735

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Indymac Federal Bank, F.S.B.

(u)OneWest Bank, FSB

End of Label Matrix
Mailable recipients 44
Bypassed recipients 2
Total 46